

Cannabis and the Workplace

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Presentation Plan

- Introduction to Cannabis
- History & Regulations
- Managing Cannabis in the Workplace
- Challenges and risks
- Resources

Introduction to Cannabis

- Endocannabinoid System
- Cannabinoids – THC & CBD
- Types – Indica & Sativa
- Consumption – Inhalation & Ingestion

HISTORY & BACKGROUND

History Lesson

- 1923 – Marijuana is criminalized in Canada
- Currently, cannabis is not an approved drug or medicine in Canada

How Did We Get Here?

MEDICAL

- 2000 – R. v. Parker
- 2001 – Marihuana Medical Access Regulations (MMAR)
- 2013 – Marihuana for Medical Purposes Regulations (MMPR)
- 2014 – R. v. Smith
- 2016 – Allard et al v. Canada
- 2016 – Access to Cannabis for Medical Purposes Regulations (ACMPR)

ACMPR

- **August 24, 2016, Access to Cannabis for Medical Purposes (ACMPR)**
 - Evolution of the MMPR
 - Patients can apply to Health Canada and grow their own cannabis

Accessing Cannabis

ACMPR is the framework for how an individual can access medical cannabis.

- Prescription needed
- Register with a LP
- Purchase from a LP
- Dispensaries are not legal

How Did We Get Here?

RECREATIONAL

Task Force on Legalization released report in Dec 2016

- Provincially regulated distribution
- Access to a variety of cannabis products
- Concerns about driving


Legislation introduced on April 13, 2017

- Received Royal Assent June 2018
- Implemented on October 17, 2018

IMPAIRMENT


Impairment by Cannabis

Issue:
No test for active impairment today =
Limitations on drug testing



Drug Testing

- Can continue to test in safety sensitive scenario
- If an employee fails a drug test they will be subject to the company's Drug & Alcohol policy



MANAGING CANNABIS IN THE WORKPLACE

Accommodation & Workplace Safety


- Human Rights Legislation
 - Protected Grounds
 - Reasonable Accommodation
 - Undue Hardship
- Occupational Health & Safety
 - employers have the duty to ensure the health and safety of workers
 - employees have the duty to protect the safety of the worker and other workers



Medical Cannabis

Employers need to know:

- Prescription needed for accommodation
- Duty to investigate performance & behaviour issues related to disability
- Duty for employees to disclose - put in policy
- Safety may trigger undue hardship
- Medical due diligence is required by the employer
- Strain and frequency of use is reasonable medical information



Medical Cannabis Cases

- French v. Selkin Logging
- Old v. Ridge County Contracting
- Wilson v. Transparent Glazing Systems
- City of Calgary v. CUPE
- IBEW v. LCTCEA
- USWA Local 7656 v. Mosaic Potash Colonsay ULC

Recreational Use


What Does Cannabis Legalization Mean in Saskatchewan?

- Private retail store fronts and online sales
- SLGA Regulates and Distributes
- Legal age of 19
- Public Consumption is prohibited
- Grow 4 plants per household
- Possession of 30 grams
- Already have rules in place to govern the workplace; will review OH&S Act

Recreational Cannabis

Employers need to know:

- Legalization isn't a license for employees to be impaired at work
 - Can't bring cannabis or cannabis products to work
 - Can't consume cannabis or cannabis products while on work property
 - If safety sensitive, can't use on own time and expect to pass a drug test
- Employer can enforce drug policy, drug testing (if safety sensitive) and should educate employees and supervisors



Reasonable Suspicion

A tool in your tool box.

Reasonable Suspicion

- Traditionally used in safety sensitive workplaces.
- Set of circumstances that indicate a reason to conduct an investigation or assessment of an employee's fitness for duty, or to explore possible explanations for an employee's conduct, actions or appearance.

Reasonable Suspicion

The suspicion is based on observations of the individual employee.

- Appearance
- Behaviour
- Odour
- Actions

5 Steps

1. Observe
2. Confirm
3. Document
4. Confront
5. Test

Training

- Online Training
 1. Managing Medical Marijuana in the Workplace
 2. Medical Cannabis: Employee Rights & Responsibilities
 3. Recreational Cannabis: Awareness for Employees
 4. Managing Workplace Impairment for Supervisors
 5. Impairment Awareness for Employees
- Professional Resources
www.cannabisatwork.com

Thank You.
Questions?



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